

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JULIE BURGESS,

Plaintiff,

V.

BRENTWOOD EAGLE, L.L.C.,

Defendant.

Case No. 4:22 CV 195 CDP

MEMORANDUM AND ORDER

Plaintiff Julie Burgess and defendant Brentwood Eagle, L.L.C., have each failed to comply with separate Orders directing them to make certain specific filings with the Court. Given Brentwood Eagle's failure to comply with my June 22 Order to show cause why Burgess's motion to compel should not be granted, I will grant the motion to compel. And given Burgess's counsel's failure to file with the Clerk of Court a Designation of Neutral/ADR Conference Report form as ordered in my May 24 Order Referring Case to Alternative Dispute Resolution, I will order her to file the form no later than July 8 or show cause why sanctions should not be imposed.

Order to Show Cause on Plaintiff Burgess's Motion to Compel

Burgess filed a motion to compel on June 3, 2022. Brentwood Eagle did not respond in the time required by local rule. I therefore entered an Order on June 22 directing Brentwood Eagle to show cause not later than June 24 why the motion

should not be granted. I cautioned that failure to timely comply with my Order would be construed as a concession to Burgess's motion.

On June 24, Brentwood Eagle requested additional time to June 27 to respond. On June 27, it requested to July 1 to respond, which I granted. In both requests, Brentwood Eagle averred that the parties were attempting "to resolve this matter."¹ To date, Brentwood Eagle has not responded to Burgess's motion to compel or to my June 22 Order to show cause why the motion should not be granted.

Construing Brentwood Eagle's failure to respond as a concession to the motion, I will grant the motion to compel.

Order Referring Case to Alternative Dispute Resolution

On May 24, 2022, I ordered this case referred to mediation, designated plaintiff Burgess's counsel Amy Ashbrook as lead counsel, and required her to "notify the clerk of the agreed choice of neutral selected by the parties and the date, time and location of the initial ADR Conference" no later than June 28, 2022. (ECF 8.) When the Designation of Neutral/ADR Conference Report form was not timely filed, the Clerk of Court notified counsel of this noncompliance on June 29 and instructed that "a written motion requesting an extension of the designation of neutral/ADR conference report filing deadline must be filed with the court within 5 days." (ECF

¹ It is unclear whether "this matter" referred to only Burgess's motion to compel or to this litigation in its entirety.

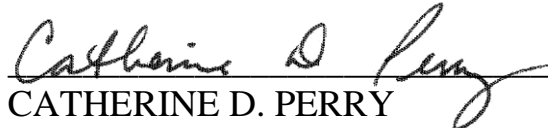
15.) More than five days have passed, and lead counsel has continued to fail to comply with my Order of May 24 and the Clerk's instruction of June 29. The ADR referral in this action terminates August 8, 2022.

I will order lead counsel, Amy Ashbrook, to file the Designation of Neutral/ADR Conference Report form as ordered not later than July 8 or to show cause why sanctions should not be imposed for failure to comply with Court Orders.

Accordingly, for the reasons set out above,

IT IS HEREBY ORDERED that plaintiff Julie Burgess's motion to compel [9] is granted to the extent it seeks an Order compelling defendant Brentwood Eagle, L.L.C., to provide full and complete responses to Request for Production Numbers 1-5 and 7. Plaintiff Burgess's request for attorney's fees and costs associated with the motion is denied.

IT IS FURTHER ORDERED that no later than **Friday, July 8, 2022**, lead counsel Amy Ashbrook shall file the Designation of Neutral/ADR Conference Report form as previously ordered or show cause why sanctions should not be imposed for her failure to comply with Court Orders.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of July, 2022.